

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In re: MICHAEL RICHARD PAY AND SHELLY ANN PAY

Bankruptcy Number: 09-33350

NOTICE OF CHAPTER 13 TRUSTEE'S MOTION TO DISMISS AND NOTICE OF DEADLINE TO
OBJECT AND TO SET OBJECTION FOR A HEARING

Objection Deadline: **March 21, 2011**

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed with the United States Bankruptcy Court for the District of Utah a motion to dismiss your bankruptcy case for failure to comply with the terms of the court's confirmation order. The specifics are set forth in the motion included herewith.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to dismiss your Chapter 13 case, then you must take the following two (2) actions:

1. On or before **March 21, 2011** you or your lawyer must file with the Bankruptcy Court a written objection to the Trustee's motion to dismiss explaining why your bankruptcy case should not be dismissed. Your objection should be filed at:

United States Bankruptcy Court
350 South Main Street, Room 301
Salt Lake City, UT 84101

If you mail your objection to the Bankruptcy Court for filing, you must mail it early enough so that the Court will receive it on or before **March 21, 2011**. You must also mail a copy to the Chapter 13 Trustee at:

Office Chapter 13 Trustee
405 South Main Street, Suite 600
Salt Lake City, UT 84111

2. At the same time you file your objection, you must also contact the Bankruptcy Court to reserve a hearing date and time when your objection will be considered by the Bankruptcy Judge.

If you or your attorney do not take **both of these steps**, the Bankruptcy Court may decide that you do not oppose the Trustee's motion to dismiss and may enter an order granting that relief without further notice or hearing.

Kevin R. Anderson (4786)
Jocelyn J. Rick (9508)
Kellie K. Nielsen (11416)
OFFICE OF THE CHAPTER 13 TRUSTEE
405 South Main Street, Suite 600
Salt Lake City, Utah 84111
Telephone: (801) 596-2884
Facsimile: (801) 596-2898
Email: kratrusteemail@ch13kra.com

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

IN RE:
MICHAEL RICHARD PAY
SHELLY ANN PAY

Debtors

CASE NO: 09-33350

Chapter 13

JUDGE JOEL T. MARKER

TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO SUBMIT 2009 TAX REFUNDS

KEVIN R. ANDERSON, Standing Chapter 13 Trustee in the above-captioned case, hereby moves this Court for the entry of an Order dismissing this case due to the Debtors' failure to timely submit the 2009 tax refunds in the amount of **\$2,739.00** to the Trustee, as required by the confirmation order. In support thereof, the Trustee represents as follows:

1. Pursuant to the Confirmation Order, the Debtors are required by June 30th of each year to pay into the plan any amount of the combined state and federal tax refunds received in this year that exceeds \$1,000.00.

2. As of the date of this motion, the Debtors failed to comply with this requirement.

3. The Trustee may withdraw this Motion if he receives the required tax refunds by **March 21, 2011**.

4. If you fail to file with the Bankruptcy Court a written objection to this motion by **March 21, 2011**, fail to reserve a hearing date and time with the Bankruptcy Court, or fail to serve a copy of your objection on the Chapter 13 Trustee, such failure may result in the administrative dismissal of this case without further notice or hearing.

5. Sufficient notice of the resulting Order of Dismissal will be provided to all parties-in-interest pursuant to Fed.R.Bankr.P. 2002(f).

WHEREFORE, the Trustee requests the dismissal of this case under 11 U.S.C. § 1307. Subject to a prior court order that any dismissal of this case will be with prejudice under 11 U.S.C. section 109(g), the dismissal may be without prejudice.

DATED: 02/24/2011

KRA /S/
KEVIN R. ANDERSON
CHAPTER 13 TRUSTEE

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF Notification or by U.S. Mail to the following parties on February 24, 2011:

MICHAEL RICHARD PAY & SHELLY ANN PAY
457 EAST 300 NORTH, SPANISH FORK, UT 84660

ROBERT S. PAYNE, ECF Notification

Michelle Shaw, 52 N. 200 W., Heber, UT 84032

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/s/

Office of Chapter 13 Trustee